

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated May 28, 2008 has been received and its contents carefully reviewed.

Claim 59 is hereby added. No new matter has been added. Accordingly, claims 31-35, 37-45, and 47-59 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

**The Office objects to the numbering of the claims.** Office Action at p. 2, ¶ 4.

The Office is thanked for renumbering the misnumbered claims 58 and 59 (of the amendment filed January 23, 2008) as claims 57 and 58, respectively. The claim listing presented in this Response reflects the Offices renumbering of the claims. Accordingly, Applicants respectfully request withdrawal of the objection to the numbering of the claims.

**The Office rejects claims 31-35, 37-45, and 47-58 under 35 U.S.C. § 103(a) as being unpatentable over *Holma et al.* (“WCDMA for UMTS” cited in Applicant’s submitted IDS) (hereinafter “*Holma*”) in view of U.S. Patent No. 6,965,580 to Takagi *et al.* (hereinafter “*Takagi*”).** Applicants respectfully traverse the rejection.

*Holma* fails to teach or suggest, at least, “generating an identifier for indicating the point-to-multipoint service,” as recited in independent claim 31. *Holma* also fails to teach or suggest, at least, “receiving a data unit including an identifier which indicates the point-to-multipoint service via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH,” as recited in independent claim 41.

In its rejection of claims 31 and 41, the Office asserts that, “*Holma* teaches the allocation (generation and configuring) of a radio network temporary identity (identifier) to a particular UE device by the RRC layer.” Office Action at p. 3, ¶ 7. The Office relies on pages 140-141, section 7.7.3.4, paragraph 3 to support its assertion. Applicants respectfully disagree.

Section 7.7.3.4, paragraph 3 of *Holma* teaches, at most, that, “a radio network temporary identity (U-RNTI and possibly C-RNTI) to be used as the UE identity on common transport channels is allocated to the UE.” *Holma* at p. 141-142, section 7.7.3.4, ¶ 3. However, *Holma* is entirely silent as to a common identifier that can be used by a plurality of mobile terminals, and therefore fails to teach or suggest, “generating an identifier for indicating the point-to-multipoint service,” as recited in independent claim 31 or “receiving a data unit including an identifier

which indicates the point-to-multipoint service via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH,” as recited in independent claim 41.

*Takagi* fails to cure the deficiencies of *Holma*. Indeed, *Takagi* is set forth by the Office for a showing of, “a radio communication system used for providing point-to-point and point-to-multipoint communication service, where a first MAC identifier is used for a unicast service, and where a second MAC identifier is used for a multicast service.” Office Action at p. 4 (*citing Takagi* at col. 2, ll. 30-44). However, the “MAC identifier” according to *Takagi*, are used as pointers to a time slot dedicated to a terminal or a multicast information. *Takagi* at col. 2 ll. 26-50.

Column 2 lines 26-50 is reproduced below, for the Office’s convenience.

According to one aspect of the present invention there is provided a radio base station device, comprising: a reception unit configured to receive a connection request from one radio terminal (a random access channel, for example); a first allocation unit configured to allocate (dynamically, for example) a first media access control identifier which is an unused media access control identifier, to said one radio terminal that issued the connection request; a broadcast unit configured to broadcast a correspondence between the first media access control identifier and said one radio terminal (a second broadcast channel, for example); a second allocation unit configured to allocate a second media access control identifier to an identifier (a multicast IP address or a content name, for example) of a multicast information that are to be received by a plurality of radio terminals; a first transmission unit configured to transmit a correspondence information for enabling said plurality of radio terminals to recognize a correspondence between the second media access control identifier and the identifier of the multicast information; and a second transmission unit configured to transmit a time-slot corresponding to the first media access control identifier with a user information destined to said one radio terminal loaded thereon, and a time-slot corresponding to the second media access control identifier with the multicast information loaded thereon.

Nowhere does *Takagi* teach or suggest “generating an identifier for indicating the point-to-multipoint service, wherein the identifier is configured by a radio resource control (RRC) layer; adding the generated identifier to a data unit which is for the point-to-multipoint service in a medium access control (MAC) layer, wherein the identifier is included in a header of the data unit; and transmitting the data unit to a mobile terminal via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH,” as recited in independent claim 31 or “receiving a data unit including an identifier which indicates the point-to-multipoint service via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH, wherein the identifier is included in a header of the data unit and the identifier was configured by a radio resource control (RRC) layer

of a network; identifying the data unit is for the point-to-multipoint service in a medium access control (MAC) layer using the identifier,” as recited in independent claim 41.

Accordingly, Applicants respectfully submit that independent claims 31 and 41 are patentably distinguishable over *Holma* in view *Takagi*. It stands to reason that claims 32-35, 37-40, 42-45, 47-58 which depend from independent claims 31 and 41, respectively, are also patentably distinguishable for at least the same reasons. Therefore, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 31-35, 37-45, and 47-58.

### CONCLUSION


The application is in condition for allowance. Early, favorable action is respectfully solicited.

If for any reason the Office finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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